REMARKS

The Office Action mailed May 19, 2005 considered and rejected claims 1-34 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,286,041 to Collins, III et al. (*Collins*).[1]

By this paper, claims 1, 4, 8, 14, 22, 28, and 29 have been amended[2], claims 3 and 13 have been cancelled, and new claims 35-39 have been added, such that claims 1, 2, 4-12, and 14-39 remain pending, of which claims 1, 8, 14, 22, 28, and 29 are the only independent claims under consideration.

The invention is generally directed to embodiments for installing software on computers in a data processing system with variety of computers having various hardware and software configurations. The invention allows for automatically installing software when a computer is detected as being newly added to the system.

For example, claim 1 is directed to a data processing system. A first computer receives software delivered by a second computer. The second computer includes functionality for determining when the first computer is newly added to the data processing system. In response to the second computer determining that the first computer is newly added to the data processing system, the second computer automatically installs the software onto the first computer.

Claim 8 is directed towards a system similar to that of claim 1. However, the system of claim 8 further includes functionality for determining an appropriate edition of the software to install on the first computer based on characteristics of the first computer including: processor type, operating system running on the first computer and the natural language associated with the first computer.

Claim 14 is similar to claim 1. However claim 14 further illustrates that the first and second computers are members of first and second sites and associated first and second area networks.

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[1] It is at least assumed that the Examiner intended to reject all of the claims under 102, however, only some of the claims are explicitly recited under this statute (note that claims 24 and 28-34 were not explicitly rejected under 102). Although the prior art status and some of the assertions made with regard to the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last response, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, Applicants' decision not to respond to any particular assertions or rejections in this paper should not be construed as Applicant acquiescing to said assertions or rejections.

[2] Support for the amendments and new claims is found throughout the specification, but primarily at paragraphs [041] and [043]

Claim 22 is directed to a method for determining when a first computer is newly added to a data processing system. A software edition that may be used for a natural language, processor and operating system of the first computer is identified. Preferences for installing the software edition are also identified. In response to determining that the first computer is added to the data processing system, the software edition is installed on the first computer. The method of claim 22 is from the perspective of a computer installing the software edition onto the first computer. Claim 28 is similar to claim 22, but includes functional 'step for' language, as opposed to some of the non-functional 'act of' language used in claim 22.

Claim 29, the last independent claim, is directed to a computer program product with computer executable instructions for performing the method of claim 22.

New dependent claims 35-39 illustrate one example of detecting the first computer being added to a system by comparing a list of computers being managed to a previously generated list of computers being managed.

Applicants respectfully submit that the claims are distinguishable over the art of record. In particular, the claims of the present application recite elements that are neither anticipated by nor made obvious by the art of record. For example, *Collins* fails to disclose, among other things, a method that includes determining that a first computer is newly added to a system. The cited disclosure of *Collins* also fails to disclose or suggest such a method that further includes having a second computer automatically install software on the first computer in response to determining that the first computer is newly added to the system, as claimed.

While *Collins* is generally directed to a system that transfers and installs software from one digital computer to another through a network (*See e.g.* Abstract), the system disclosed by *Collins* transfers software to target machines without first detecting when a system is newly added or automatically installing the software in response to said detection. Col. 1, lines 48-49.

In particular, *Collins* discloses that the software is installed on the target machines by alerting an installation agent that a software package has arrived. Col. 1, lines 49-54. Distribution of software can then occur on or after a specific point in time or periodically. Col. 2, lines 52-54. The schedule for distributing the software is set by a user using a transfer tool. Col. 5, lines 8-20. The user specifies the date and time for transmission, the date and time for installation, and the target for the transfer. *Id.* A target may be a target computer, a group, or a profile. Col. 2, lines 19-20. A group is two or more targets that should receive simultaneous

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transmission. Col. 3, lines 36-38. A profile is a group of groups of targets that all share the same mission critical software. Col. 3 lines 56-58. Thus, in *Collins*, a user specifies what targets will receive a transmission and when the transmissions are sent, rather than automatically in response to detection of a newly added system.

In direct contrast to what is disclosed by *Collins*, which specifies user interaction to determine which computers are sent transmissions and when the transmissions occur, the claims of the present application recite determining that a computer is newly added to a system and automatically installing software on a computer in response to determining that the computer is newly added to the system. Determining that a computer is newly added is not disclosed by *Collins*. Accordingly, it is clear that *Collins* fails to disclose or suggest a method or system that includes automatically installing software on the computer in response to determining that a computer is newly added to the system.[3]

For at least the foregoing reasons, Applicants respectfully submit that the pending claims are not, therefore, anticipated by *Collins*.[4]

Furthermore, although the foregoing remarks have been focused primarily on the independent claims, it will be appreciated that all of the rejections and assertions of record with respect to the independent claims, as well as the dependent claims, are now moot, and therefore need not be addressed individually. However, in this regard, it should be appreciated that Applicants do not necessarily acquiesce to any assertions in the previous Office Action that are not specifically addressed above, and hereby reserve the right to challenge those assertions at any appropriate time in the future, should it arise, including any official notice.

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[3] *Collins* does illustrate an example where a staging server is used to store data for computers which connect only occasionally to a network. Col. 7, lines 18-34. In this example, when a target connects to a network, the network requests any packages from the staging server. Col. 7, lines 30-32. The staging server, in response, sends packages to the target. Col. 7, lines 32-34. This example however, is not directed to newly added computers, but rather to computers that are known to connect to the network only periodically.
[4] To establish a *prima facia* case of anticipation under 35 U.S.C. 102(e), the Office Action must show that the reference teaches each and every element of the claim. MPEP 2131.

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Amendment "B" dated August 12, 2005
Reply to Office Action mailed May 19, 2005

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this __15__ day of August, 2005.

Respectfully submitted,

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